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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

ZENAWE MEHARI,

Defendant and Appellant.

A110694

(Alameda County  
Super. Ct. No. 140694)

Counsel for appellant Zenawe Mehari has filed an opening brief in which no issues are raised, and asks this court for an independent review of the record as required by *People v. Wende* (1979) 25 Cal.3d 436.

An information was filed by the Alameda County District Attorney's Office on May 2, 2002, charging appellant with 15 counts relating to two victims. In Count 1 appellant was charged with attempted murder. (Pen. Code<sup>1</sup>, §§ 664, 187, subd. (a).) Counts 2 and 5 were for assault with a firearm. (§ 245, subd. (a)(2).) In Count 3, appellant was charged with attempted second degree murder. (§ 211.) Appellant was charged with second degree robbery in Count 4 (§ 211), and kidnapping to commit another crime in Count 6 (§ 209, subd. (b)(1)). In Count 7, appellant was charged with assault with a deadly weapon (§ 245, subd. (a)(1)), and in Count 8 with assault with intent to commit a felony (§ 220). Appellant was also charged with three counts of forcible rape against a single victim, in violation of section 261, subdivision (a)(2)

<sup>1</sup> Unless otherwise noted, all further statutory references are to the Penal Code.

(Counts 9, 10 & 12). In Count 11, appellant was charged with assault with intent to commit a felony in violation of section 220. The information also alleged in Count 13 that he evaded an officer (Veh. Code, § 2800.2, subd. (a)), had a concealed firearm in a vehicle (Count 14, § 12025, subd. (a)(1)), and carried an unregistered loaded firearm (Count 15, § 12031, subd. (a)(1)).

Appellant pleaded not guilty. The court suspended criminal proceedings pending a mental evaluation of appellant under section 1368. On September 16, 2004, the court found that appellant was competent to stand trial and reinstated criminal proceedings.

On January 11, 2005, appellant withdrew his earlier plea, and pleaded no contest to Counts 1, 9 and 13. He also admitted use of a firearm in the commission of Counts 1 and 9. On motion of the People, the court dismissed the balance of the information. The parties reached a negotiated disposition of a state prison sentence of 25 years. The consequences of his plea were explained to appellant, including the requirements that he submit to genetic marker testing and register as a sex offender, and the likelihood of his deportation after serving his sentence. Appellant stated he understood and voluntarily consented to a waiver of his constitutional rights, including the right to a jury trial, to subpoena and confront witnesses, and to remain silent. His counsel indicated that he had discussed his constitutional rights with him prior to the plea.

At sentencing on May 3, 2005, one of the victims spoke about her ongoing medical problems caused by appellant's crimes. The court imposed the stipulated sentence of 25 years. The court sentenced appellant to nine years in state prison for the attempted murder, plus ten years for personal use of a firearm in committing the offense. The court sentenced appellant to two years for the forcible rape, plus three years four months for personal use of a firearm in its commission, both terms consisting of one-third the midterm. The court ordered the terms to be served consecutively. The court sentenced appellant to eight months for evading a peace officer, also to be served consecutively. Appellant received credit for time served of 1,295 actual days plus 194 local conduct credits.

The court ordered appellant to pay restitution to the Victim Compensation Board in the amount of \$11,265, a state restitution fine of \$200, a \$200 parole revocation fee fine, and a \$200 sex offender fine. Appellant was also ordered to submit to genetic marker testing under section 296.

On June 10, 2005, appellant requested a certificate of probable cause under section 1237.5, which the court denied. Appellant filed a timely notice of appeal the same day.

Upon our independent review of the record we conclude there are no meritorious issues to be argued, or that require further briefing on appeal.

**DISPOSITION**

The judgment is affirmed.

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Ruvolo, P.J.

We concur:

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Reardon, J.

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Sepulveda, J.